

### **REMARKS/ARGUMENTS**

The non-final Office Action of April 2, 2008 has been carefully reviewed and the following remarks are responsive thereto. Claims 1, 3, 4, 9 and 33 have been amended. Claims 38-44 have been added. No new matter has been added. Claims 1-9 and 33-44 are pending in this application upon entry of this amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Interview Summary***

Applicant thanks Examiner Tran and Supervisory Examiner Urban for the courtesies extended to Applicant's undersigned representative during the personal interview of August 11, 2008. During the interview, Applicant and the Examiners agreed that Parker (U.S. Patent No. 6,124,799, "Parker") does not teach that K<sub>operator</sub> (i.e., the alleged first code) is required to change identification data such as IMSI (i.e., the alleged identification data). Additionally, as the Examiner's Interview Summary correctly indicates, nowhere does Parker teach or suggest a first code being required to change the identification data.

#### ***Claim Rejections Under 35 U.S.C. §102***

Claims 1-5, 7, 9 and 33-37 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parker (U.S. Patent No. 6,124,799, "Parker").

Amended independent claim 1 recites, *inter alia*, "a processor configured to receive an incoming signal addressing [an] apparatus with reference to identification data stored in [] memory, wherein entry of the first code is required to make any change to the identification data prior to receiving the incoming signal; and in response to receiving the incoming signal, the processor is further configured to change the first code to a second code, wherein entry of the second code is required to make any change to the identification data after changing the first code to the second code." Parker does not teach or suggest such features. In particular, nowhere does Parker teach or suggest changing a code that is required to change identification data. The Office Action cites p. 2 of Parker, stating that the cited passage describes a key K<sub>operator</sub> (element 32 of FIG. 2) and IMSI (NID) (element 42 of FIG. 2). Even so, Parker still lacks a teaching or suggestion that entry of K<sub>operator</sub> (i.e., the alleged first code) is required to change the IMSI (NID).

Parker merely describes  $K_{\text{operator}}$  as a key that is computed and used to unlock or enable a handset for general use. Col. 11, ll. 3-11. The mere unlocking or enablement of a handset does not describe the changing of identification data. Indeed, Parker specifically describes that a new subscriber identification code (e.g., IMSI) may be downloaded even prior to the use of  $K_{\text{operator}}$  at col. 9, ll. 8-10. Accordingly, claim 1 is allowable for at least these reasons.

Claim 33 recites features similar to those discussed above with respect to claim 1 and is thus allowable for at least the same reasons as claim 1.

Claims 2-5 and 34-37 are dependent on claims 1 and 33, respectively, and are thus allowable for at least the same reasons as claims 1 and 33 and further in view of the novel and non-obvious features recited therein. For example, claims 3 and 36 relate to the incoming signal being a first call received by a communication device, wherein in response to the incoming signal, a first code for controlling storage of identification data is changed to a second code. Contrary to the Office Action's assertions, Parker does not teach or suggest such features. The Office Action contends that col. 8, ll. 49-59 describes that such an incoming signal is a first call. Applicant respectfully disagrees. The cited passage merely describes over-the-air activation using messaging functions such as GSM short message services, which is not a first call. Accordingly, claims 3 and 36 are allowable for these additional reasons.

Claims 6 and 8 stand rejected under 35 U.S.C. §103(a) under Parker. This rejection is respectfully traversed.

The Office Action concedes that Parker does not teach or suggest each and every feature of claims 6 and 8. Instead the Office Action asserts Official Notice of generating a first or second code using a random method. Without addressing the merits of the Official Notice, Applicant submits that the Official Notice does not cure the deficiencies of Parker identified above. Accordingly, claims 6 and 8 are allowable for at least these reasons.

### ***New Claims***

Claims 38-44 have been added. Support for the claims may be found throughout the Specification and at least at p. 2, line 34 – p. 3, line 24 and FIG. 1 (describing, for example, computer readable memory and a processor in a device to be programmed); p. 5, line 31 – p. 7,

line 33 (describing the use of a first subsidy code to program NAM data, checking the correct programming of the device and changing the first code to a second code).

Claim 38 recites features similar to those discussed above with respect to claim 1 and is thus allowable for at least the same reasons as claim 1. Claims 39 and 40 are dependent on claim 38 and is thus allowable for at least the same reasons as claim 38.

Claim 41 recites, *inter alia*, “determining whether the code matches a first code required for programming identification data in the device; in response to determining that the received code matches the first code required for programming identification data in the device, providing a prompt for entering the identification data.” Nowhere does Parker or any of the cited secondary references teach or suggest such features. Even assuming the Office Action’s assertion of K<sub>operator</sub> being a first code is valid, Parker fails to teach or suggest providing a prompt for entering the identification data in response to determining a received code matches K<sub>operator</sub>. Accordingly, claim 41 is allowable for at least these reasons.

Claims 42-44 are dependent on claim 41 and are thus allowable for at least the same reasons as claim 41 and further in view of the novel and non-obvious features recited therein. For example, claim 44 recites “wherein the first code and the second code are pre-stored on the device.” None of the cited references teaches or suggests such a feature. In fact, Parker describes changing K<sub>operator</sub> by transmitting a modifier from a customer service center to the handset. Abstract. Thus, Parker clearly teaches away from a second code being pre-stored.

**CONCLUSION**

Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

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